

REMARKS

Claims 1-2, 4-10, 12-24 are pending.

Claims 3-24 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Fuller (US 5,768,605) in view of Johnson (US 6,573,868).

Rejection under 35 USC §103(a) – claims 1-2, 4-10, 12-24

Claims 1, 2, 4-10 and 12-24 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Fuller (US 5,768,605) in view of Johnson (US 6,573,868).

This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a prima facie case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See In re Royka, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Fuller describes a switch 350 that “acts to decouple card detect nodes CD#1 and CD#2 from ground 116 that power is not applied to PCMCIA communication card 340.” Col. 5, lines 31-33.

Johnson describes a control switch 150 that includes a line 152 connected to the antenna 50, a switch 154 and a control circuit 156. The control circuit 156 controls the switch 154 to allow electrical power to be supplied to the antenna. Col. 13, lines 13-14.

Applicant respectfully submits that the proposed combination of Fuller and Johnson cannot be combined in the manner proposed because there is no suggestion or motivation in either reference to combine the teachings of both Fuller and Johnson. Further, the proposed combination does not yield a reasonable expectation of success for the following reasons.

Johnson requires a “control circuit 156 to control the switch 154 to disengage electrical power from the antenna 50.” Col. 13, lines 13-14. The “control switch 150 still allows the other features of the communications card and/or electronic device to be utilized even though the antenna is non-functional.” Col. 12, lines 58-60. Thus, control circuit 156 located in the card 150 is **constantly powered** regardless of the position of the antenna since the control circuit 156 needs to control the switch 154.

In contrast, Fuller describes that “unless these nodes are coupled to ground, computer system 10 will not detect the insertion of PCMCIA communication card 40 and therefore **will not apply power** to PCMCIA card 40.” Col. 4, lines 20-23. Therefore in Fuller, the **entire** PCMCIA card 40 is either **powered or not powered** based on the position of the antenna.

There is no motivation to combine the teachings of Johnson and Fuller because Johnson teaches a card that is **constantly powered** regardless of the position of the antenna while Fuller teaches a card that is **either powered or not powered** based on the position of the antenna. The proposed combination would not be operable because Johnson requires a constantly powered control circuit 156 in the card while Fuller requires "not applying power to PCMCIA communication card." Johnson and Fuller actually teach away from each other.

Applicant therefore submits that the proposed combination of Fuller and Johnson is improper and should be withdrawn. Thus, Applicant submits that claims 1, 2, 4-10 and 12-24 recite novel subject matter which distinguishes over any possible combination of Fuller and Johnson.

Conclusion

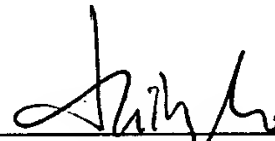
For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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